

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of RILEY EVERETT TOMSHA,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

KELLY TOMSHA,

Respondent-Appellant.

UNPUBLISHED

January 6, 2009

No. 286906

St. Clair Circuit Court

Family Division

LC No. 07-000449-NA

Before: Zahra, P.J., and O'Connell and Fort Hood, JJ.

MEMORANDUM.

Respondent appeals as of right from a circuit court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (c)(ii), (g), (j), and (l). We affirm.

Although respondent contends that the evidence was insufficient to support termination under any of the statutory grounds cited, she makes no attempt to relate her argument to the elements of each particular ground. At a minimum, the trial court did not clearly err in finding that § 19b(3)(l) was established by clear and convincing evidence. MCR 3.977(G); *In re Archer*, 277 Mich App 71, 73; 744 NW2d 1 (2007). In light of respondent's no-contest plea to the initial petition and the evidence presented at the termination hearing, it was undisputed that respondent's parental rights to another child were previously terminated following the initiation of child protective proceedings. Petitioner was not required to prove that respondent would neglect her child for the long-term future as held in *Fritts v Krugh*, 354 Mich 97, 114; 92 NW2d 604 (1958), overruled on other grounds by *In re Hatcher*, 443 Mich 426, 444; 505 NW2d 834 (1993). That case predates the enactment of § 19b(3), which now sets forth the current criteria for termination.

Further, the trial court did not clearly err in its findings regarding the child's best interests. *In re Trejo*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000). Considering that respondent had displayed poor child-care skills, failed to benefit from services, eventually gave up on reunification, and the child was less than one year old, termination of respondent's

parental rights was in the child's best interests. MCL 712A.19b(5).

Affirmed.

/s/ Brian K. Zahra

/s/ Peter D. O'Connell

/s/ Karen M. Fort Hood